

REMARKS

This communication is in response to the Office Action mailed October 18, 2005. The Examiner now relies on Levergood as a secondary reference, using newly-cited Caldwell as a primary reference. Applicant respectfully traverses the obviousness rejection.

Applicant's claims include, in part (and in various forms) "generating a user registration page request . . . and forwarding the user registration page request to the application server." (The claims have been amended to clarify that the "user page request" is intended to refer to the originally-recited "user registration page request." This correction is to correct indefiniteness issues and does not affect the scope of the claims.)

To the contrary, the newly-cited Caldwell reference has nothing to do with generating a user registration page request. For example, Applicant's specification is replete with references to a user registering for a new account. The portions of Caldwell cited by the Examiner, on the other hand, are merely directed to requesting data in general and not to "generating a user registration page request."

The Examiner may contend that this feature was not in the claims previously. However, it was clearly recited in the first element of each independent claim. For example, claim 1 recited (i.e., prior to the present amendment) "generating a user registration page request." The corrections to the claim thereafter are merely to make the remainder of the claim consistent with the beginning portion of the claim, already present in the claim.

Referring to Caldwell (6:20-31), this portion of Caldwell refers to "the user generates a request message for data via the user interface provided by the local client device 11." Clearly, this "request for data" is not disclosed to be a "user registration page request" – it has nothing to do with "registration" (e.g., a request to register for a new account).

Granted, Levergood does relate to user accounts. However, even if it were obvious to combine Caldwell and Levergood in the manner proposed by the Examiner, what would result at best would be some sort of mechanism for providing security for generic data requests. The combination as proposed by the Examiner has nothing whatsoever to do with incorporating security registration data requirements with user profile registration requirements generally, let alone in the manner recited in the claims.

Furthermore, the Examiner's cited reasoning for combining Caldwell and Levergood is a classic case of hindsight. A general statement that "when servers are intercommunicating, the amount of data exposed if a breach in security occurs is relatively large" is far from meeting the requirement of some motivation or suggestion for the particular combination of references. Using the Examiner's reasoning, it would be obvious to incorporate any known form of access control. This cannot be, and is not, the standard. There must be a particular suggestion to make the combination.

Rather, the Examiner's cited reasoning for combining Caldwell and Levergood appears to be an assertion of an obvious to try rationale. MPEP 2145, in discussing when an "obvious to try" rebuttal argument is in error, recognizes that an improper "obvious to try" argument includes an approach of "explor[ing] a new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it." At best, the Examiner's stated rationale of "when servers are intercommunicating, the amount of data exposed if a breach of security occurs is relatively large" suggests, generally, protecting against such a breach of security. This is only "general guidance."

To the contrary, in the In re O'Farrell case cited in MPEP 2145 as a possible answer to an "obvious to try" rebuttal argument, the court held "the claimed method would have been obvious over the prior art method relied upon because one reference contained a detailed enabling methodology, a suggestion to modify the prior art to produce the claimed invention, and evidence suggesting the modification would be successful.

Here, the Examiner has pointed to no such suggestion in Levergood to modify the prior art (such as Caldwell). Thus, even if such a modification would yield the subject matter of the claims (which, as discussed above, it would not, since Caldwell does not disclose "generating a user registration page request"), it would not have been obvious to one of skill in the art (using the applicable standards, such as those discussed in MPEP 2145) to make such a modification.

CONCLUSION

Applicant has thus shown that, first, the combination of Caldwell and Levergood does not yield the subject matter of the independent claims since, at least, Caldwell does not disclose "generating a user registration page request." Furthermore, the Examiner's citation to a general

statement regarding the danger of security breaches is a far cry from a particularized motivation to modify Caldwell in view of Levergood.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Alan S. Hodes
Reg. No. 38,185

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300